



**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, April 25, 2016**

Present:

Mayor Brandt	Trustee Feldman
Trustee Grujanac	Trustee Hancock
Trustee McDonough	Trustee Servi
Trustee Leider	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Chief of Police Kinsey	Finance Director/Treasurer Peterson
Public Works Director Woodbury	Assistant Public Works Director/Village
Economic Development Coordinator	Engineer Dittrich
Zozulya	

ROLL CALL

Mayor Brandt called the meeting to order at 7:17 p.m. and Village Clerk Mastandrea called the Roll.

2.0 APPROVAL OF MINUTES

2.1 Acceptance of the April 11, 2016 Committee of the Whole Minutes

The minutes of the April 11, 2016 Committee of the Whole Meeting were approved as submitted.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

3.11 Preliminary Evaluation of a Request to Rezone the Property Located at 21657 and 21661 Milwaukee Avenue (former Cubby Bear site) from R1 Single-Family Residence to B2 General Business District and Request for a Special Use for an Assembly Use, and Variations to Permit a Banquet Hall (Trisha Bumpass & Standard Bank & Trust Co.)

Economic Development Coordinator Zozulya provided a summary of the request to rezone the former Cubby Bear site from R1 Single-Family Residence to B2 General Business District and accompanying request for a special use for an assembly use, and variations to permit a banquet hall. If the Board is in favor of this request, it would be referred to the Zoning Board for rezoning; special use permit; and variations, and also to the Architectural Review Board for design related items.

Trustee McDonough noted this property was recently forced annexed into the Village and asked how much of the petitioner's request pertain to code issues that are grandfathered due to the property having several

non-conformities and how much would need to be done to bring this property up to code. Village Attorney Simon noted by and large the petitioner's request and proposed use would be grandfathered as long as they do not make investments into specific aspects of the property; once a substantial investment is made, the grandfathered conditions go away and the petitioner would be required to comply with code. The staff memo highlights those areas the petitioner is seeking variations for and areas they request be considered legally-nonconforming (i.e., grandfathered).

A conversation regarding aspects of code compliance followed. Mr. Larry Freedman, Attorney for Ash, Anos, Freedman & Logan, representing the petitioner, noted the desire is to leave the parking lot as is; for the parking lot to be grandfathered. Mr. Freedman noted the petitioner does not plan to significantly alter the existing parking lot, which permit the applicant to avoid having to make significant changes to the existing parking lot design/landscaping.

Mr. Freedman introduced the petitioner, Ms. Trisha Bumpass.

Ms. Bumpass provided background of her industry and vision for the former Cubby Bear property.

Mr. Paul Kozlowski, with D+K Architects, representing the petitioner, provided a presentation regarding the request to rezone the former Cubby Bear site from R1 Single-Family Residence to B2 General Business District and request for a special use for an assembly use (banquet hall) with variations. Mr. Kozlowski provided information on the planned changes to the exterior of the existing Cubby Bear structure to update the appearance and make usable for a banquet use.

Mayor Brandt asked if a berm would be put in front of the building. Mr. Kozlowski stated there would be a small berm by Milwaukee Ave. which would be landscaped.

Mr. Kozlowski continued his presentation highlighting elevation changes proposed for the building.

Trustee Servi asked if the variance is granted, would this tie the hands of the Village in the future. Village Attorney Simon noted any variances granted would go with the property.

Trustee McDonough stated all that the Board would be approving is variances in order to leave the building and parking lot as it is now. Mr. Freedman noted this is true, but the applicant is also requesting a zoning change and special use.

Mayor Brandt asked what the banquet hall capacity would be. Mr. Freedman stated the count is currently at 1,400 but parking and other codes may take the capacity down.

There was a consensus of the Board to refer this to the Zoning Board and Architectural Review Board for formal consideration.

3.12 Consideration of Architectural Review Board Recommendation to Approve a Sign Code Variation to Permit Front-Lit Interior-Illuminated Wall Signs Rather than Code-Required Back-Lit Interior-Illuminated Wall Signs, in Conjunction with a New Center-Wide Wall Sign Package (430 Milwaukee Avenue - FREP Lincolnshire, LLC)

Economic Development Coordinator Zozulya provided a summary of the Architectural Review Board (ARB) recommendation for a sign code variation to permit front-lit interior illuminated wall signs in conjunction with a new center-wide wall sign package at 430 Milwaukee Avenue. The ARB recommendation is subject to removing existing exterior box signs and the petitioner providing a plan for construction of a code-compliant trash enclosure. Economic Development Coordinator Zozulya stated the petitioner has indicated they will meet the ARB's stipulations.

Ms. Elizabeth Butler, with DLA Piper, representing the petitioner introduced Eric Jacobson, part owner and Property Manager of FREP Lincolnshire, LLC, who provided a presentation regarding the request for a Sign Code Variation to Permit Front-Lit Interior-Illuminated Wall Signs.

A brief discussion regarding signage for Bonta' Deli & Wine Shop followed.

Mayor Brandt asked if there would be a new monument sign. Mr. Jacobson stated the monument sign would stay as is since it is grandfathered in with the current size and number of panels under the Village's current sign regulations until 2021.

Trustee McDonough asked if all the signs would be white. Mr. Jacobson stated if there is text for business names, the signs would have to be white, but if there is a registered logo or trademark, based on the existing sign code, tenants could use their brand color.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.13 Public Hearing: Major Amendment to the CityPark Planned Unit Development (PUD) to Permit the Redevelopment of the Existing Regal Movie Theater Property Including the Reduction of the Movie Theater Footprint and Construction of a 302-Unit Luxury Apartment Complex (300 Parkway Drive – ECD-Lincolnshire Theater, LLC)

- 3.14 Consideration of Architectural Review Board Recommendation regarding the Redevelopment of the Existing Regal Movie Theater Property Including Reduction of the Movie Theater Footprint and Construction of a 302-Unit Luxury Apartment Complex (300 Parkway Drive – ECD-Lincolnshire Theater, LLC)**
- 3.15 Consideration a Preliminary Plat of Subdivision for the CityPark Planned Unit Development (300 Parkway Drive – ECD-Lincolnshire Theater, LLC)**

Mayor Brandt opened up Items 3.13 – 3.15 together.

Mayor Brandt recessed the Committee of the Whole meeting and opened the Public Hearing regarding Major Amendment to the CityPark Planned Unit Development (PUD) to permit the redevelopment of the existing Regal Movie Theater property including the reduction of the movie theater footprint and construction of a 302-Unit luxury apartment complex.

Mayor Brandt provided procedures for the Public Hearing.

Economic Development Coordinator Zozulya provided a summary and background of the requests from ECD Lincolnshire Theater stating at the initial referral meeting, the Village Board requested the petitioner come back with additional information related to the public cost analysis. Additionally, the petitioner submitted a letter to address density concerns. Staff is in favor of all variances except the parking variance because there has not been enough information provided by the applicant to justify the requested variance for construction of a brand new parking structure. Economic Development Coordinator Zozulya noted if the project receives favorable consideration for a major PUD amendment, it will move into the final development plan and final plat of subdivision stage.

Mayor Brandt swore in Mr. Scott Greenberg, President of ECD Company; Mr. Mark Kurensky with HKM; Mr. Mark Hopkins with HKM; Mr. Jonathan Perman with the Perman Group; Mr. Steve Bauer, Attorney with Meltzer Purtill & Stelle, LLC; Mr. William Woodward with KLOA, Mr. Hal Francke, Attorney with Meltzer Purtill & Stelle, LLC; and Mr. Don Fielding with Greengard, Inc.

Mr. Greenberg provided a presentation regarding ECD Company's request for a 302-unit luxury apartment complex and the redevelopment of the existing Regal Movie Theater property. Mr. Greenberg noted the economic factors contributing to the decision to bring forward this request and shared information on the current demand for luxury rental apartments in Lincolnshire. Mr. Greenberg also submitted a letter received on April 25, 2016 from Regal Cinema encouraging favorable consideration of the proposal as it will help to maintain the theaters current presence in the market.

Mr. Kurensky provided a presentation highlighting the changes to the plan since this project went before the Architectural Review Board. Changes highlighted include increased open-space around the buildings due to changes in the parking area location.

Trustee Hancock noted he attended all the Architectural Review Board (ARB) meetings and stated his opinion that the changes made have produced an exceptional plan.

Trustee Grujanac suggested lighting the walkway from the apartment building to the movie theater. Trustee Grujanac noted the area between the proposed westernmost apartment building and the movie theater has the potential to be a very dark area and suggested additional lighting is necessary for security of pedestrians.

Trustee Grujanac noted concern regarding parking. Mr. Kurensky provided specifics relative to the dimensions of proposed parking. Mr. Kurensky stated if the parking dimensions increase to meet code requirements, the amount of open-space on the proposed plan decreases.

Mr. Woodward with KLOA stated the parking standards that are being proposed is a public industry standard used throughout many municipalities. The parking areas where the dimensions are proposed to vary from code are in a residential garage with low turnover and familiarity of drivers. Trustee McDonough asked why the Village standard for parking of 19' is not appropriate. Mr. Woodward stated 18' is more efficient.

Trustee Hancock asked staff where the concern was regarding circulation with parking. Assistant Public Works Director/Village Engineer Dittrich stated the comment regarding circulation was for the petitioner to provide alternatives as far as only one entrance and exit for the entire site with potential for conflict between theater guests and apartment residents. Mr. Kurensky highlighted proposed changes to current parking conditions in order to demonstrate how potential users would access the site for both theater visits and for the proposed apartments. Mr. Woodward noted they reached out to Lake County Division of Transportation (LCDOT) to seek an additional access on Aptakistic Road, and LCDOT stated another access should not be considered on Aptakistic Road due to current traffic conditions. Mr. Woodward also noted the number of screens in the Regal building is being reduced decreasing the amount of traffic coming into the movie theater site.

Mr. Fielding stated Greengard, Inc. did the original design for CityPark and noted detention and all infrastructure elements are currently adequate for the proposed project.

Mr. Perman stated the Board had asked previously if other communities in the area that have permitted luxury style apartment have experienced additional public costs as a result. Mr. Perman stated his company surveyed Glenview, Deerfield, and Vernon Hills and in all three cases, none of them could conclude there were any real meaningful additional costs to their community by having luxury, multi-family units. Mr. Perman noted his opinion was this project would be an economic benefit to the Village.

Village Attorney Simon asked if the binder the Board received, the letter from Regal, and any other supplemental information should be entered into the record of the hearing. Economic Development Coordinator Zozulya noted a sample material board is available for Village Board review at the meeting if needed. Mr. Bauer concurred; these items should be included into the record of hearing.

Mr. Bauer stated he would be happy to address the response to the standards if this is the request of the Board. The Trustees did not have any further questions related to responses to the standards.

Mayor Brandt opened up the Public Hearing to anyone else in attendance at the meeting. There were no questions or comments from the public on the proposed project.

Trustee Hancock asked about some exceptions noted; specifically numbers 8 and 10 on the list provided which relate to ground signage and noted his opinion was the dimensions of the signage seem large and asked how the signs would compare to others in the Village. Economic Development Coordinator Zozulya noted the height is comparable to what was recently approved for Lincolnshire Commons. Mr. Kurensky stated the 50' width is for the adjacent walls on either side of the sign and is included in the dimensions of the sign. Economic Development Coordinator Zozulya noted counting the width of the walls hosting the signage and the requested variance is similar to the recent variance granted for the Pulte Camberley Club townhome development.

Mayor Brandt adjourned the Public Hearing and reconvened the Committee of the Whole meeting at 7:39 p.m.

Trustees Servi and McDonough noted their opinion the proposed apartment development is still too dense, in too small a space. Trustee Grujanac noted her opinion was the location was the best place for apartments but had concern the apartments would not be filled. Trustee Hancock asked if the density concern was from the standpoint the apartments would not be filled, or if it gets filled, would it be too many people. Trustee Servi noted his opinion due to the total number of units proposed, the buildings proposed are too big.

Trustee Hancock stated his opinion the project is 100% needed for the community to create vibrancy to the area. Trustee Hancock expressed

concern the Village is running a huge risk of having a partial ghost town in CityPark and in Lincolnshire Commons if the project does not move forward. Trustee Hancock noted his opinion was the Village has made mistakes in the past with some of the downtown development that the Village has to live with which creates difficulties in attracting tenants and residents to come to the downtown. Trustee Hancock noted he feels it is an exceptionally well designed project. Trustee Hancock continued this project will bring younger people to the community which he believes is needed.

Mayor Brandt suggested getting Trustees Feldman and Leider's opinion regarding the proposed changes since they were unable to attend tonight's public hearing.

Trustee McDonough asked Trustee Hancock what he liked about the actual plan. Trustee Hancock noted his opinion was the location and setbacks are ideal; the architectural design is excellent; the traffic flow and compatibility with the improvement of Regal Cinemas is outstanding; it works well with the CityPark office buildings; and the amenities proposed will attract the right type of people to the community. Trustee Hancock noted if Regal closes down, it would be detrimental to CityPark. Trustee Hancock noted if the amount of units goes down slightly, he did not feel this would make a big enough effect to notice any measurable difference in the overall plan.

Mayor Brandt expressed her opinion if the Board were to approve apartments, this is the perfect location. Mayor Brandt noted she had concerns with losing Regal. Mayor Brandt noted some of the financials and other benefits the project could bring to the Village.

Trustee McDonough suggested putting these items under Items of General Business on the next Regular Village Board Agenda.

There was a consensus of the Board to place items 3.13 – 3.15 under Items of General Business for discussion and approval at the next Regular Village Board Meeting.

3.2 Finance and Administration

3.3 Public Works

3.31 Consideration of Awarding a Contract to Chicagoland Paving for the 2016 Pavement Patching Project in an Amount not to Exceed \$36,000 (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of a contract to Chicagoland Paving for the 2016 pavement patching project.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.32 Consideration of Awarding a Contract for the Construction of the Village's 2016 Road Resurfacing Project with J.A. Johnson Paving Company in an Amount not to Exceed \$266,962.85 (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of a contract for the construction of the 2016 road resurfacing project with J.A. Johnson Paving Company.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.33 Consideration of Awarding a Contract to HBK Water Meter Service, Inc. in an Amount not to Exceed \$42,000 for the Installation of Automated Meter Reading (AMR) Systems in the Commercial District (Village of Lincolnshire)

Public Works Director Woodbury provided a summary of a contract to HBK Water Meter Service, Inc. for the installation of automated meter reading systems in the commercial district which is the final phase for the switch out of these meters.

Trustee McDonough asked when the Board approved the new water meters was it with the hopes this would be a cost savings to the Village. Public Works Director Woodbury noted over time, the meters will in fact save the Village money.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.4 Public Safety

3.5 Parks and Recreation

3.51 Consideration of a Contract for Construction of Lincolnshire Downtown Pocket Park with GLI Services in an amount not to Exceed \$248,095.00 (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of a contract for construction of the downtown pocket park with GLI Services. Both bids received were higher than the estimate and budget; therefore, staff put together three options for Board review. One would be to award the contract as is; option two would be to modify the scope of work to bring the value of the contract down, and option three would be to reject the bids and re-advertise the project with Board direction.

Trustee Hancock stated his opinion is to stick with what was approved. Mayor Brandt asked what the differential is between what was budgeted and the bid results. Assistant Public Works Director/Village Engineer

Dittrich stated the base bid is approximately \$49,000 over budget.

Trustee McDonough asked if there was option in the packet suggesting holding off until the developer provides more information on the possible redevelopment of the remaining downtown parcels. Village Manager Burke noted option 3A would be to hold off for the developer and have the developer complete the improvements as part of their redevelopment. Village Manager Burke stated he received word from DK Mallon, the owner, that they will be scheduling a meeting to discuss a potential tenant. There may be an option for the developer/future owner to step in for the construction of the pocket park.

Trustee McDonough suggested waiting to see if a tenant comes forward in the near future.

There was a consensus of the Board to hold off on this project to see what happens with the potential tenant and site.

3.52 Consideration and Discussion of Easement Agreement with Inland Real Estate related to the Lincolnshire Downtown Pocket Park (Village of Lincolnshire)

Mayor Brandt asked if this item would be held off along with Item 3.51. Village Manager Burke stated the easement agreement is still needed even though the park construction is on hold. Village Manager Burke noted the proposed easement is currently in legal review with the current property owner of The Fresh Market site and noted he would propose bringing this item back to the Village Board for approval once the Village and the property owner finalize the easement language.

There was a consensus of the Board to place this item on the Consent Agenda for approval at an upcoming Regular Village Board Meeting when the easement language is finalized.

3.6 Judiciary and Personnel

4.0 UNFINISHED BUSINESS

4.1 Shoe Drive

Mayor Brandt made note of the shoe drive going on between SWALCO and the Village ends Wednesday, April 27, 2016. If anyone has shoes to donate, please drop them off at Sprague School, Daniel Wright School, Half Day School, or the Public Works Facility.

4.2 Curfew

Trustee Hancock asked if curfew was brought up at a previous meeting and wanted to know if it was still 10:00 p.m.

Village Manager Burke noted there was a resident concern from a traffic stop but it was unrelated to curfew. A discussion of curfew and driver license restrictions followed.

Trustee Hancock stated a few residents brought curfew to his attention asking if it is still 10:00 p.m. on the weekdays. The 10:00 p.m. curfew on weekdays was confirmed. Trustee McDonough noted the Village can be stricter than the state but cannot be less than what the state requires.

5.0 NEW BUSINESS

6.0 EXECUTIVE SESSION

Trustee McDonough moved and Trustee Hancock seconded the motion to go into Executive Session for the purpose of discussing litigation. The roll call vote was as follows: AYES: Trustees McDonough, Servi, Hancock, and Grujanac. NAYS: None. ABSENT: Trustees Feldman and Leider. ABSTAIN: None. The Mayor declared the motion carried and the Board went into Executive Session at 9:07 p.m. and came out of Executive Session at 9:13 p.m.

7.0 ADJOURNMENT

Trustee McDonough moved and Trustee Grujanac seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 9:14 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk